

Organization: \_\_\_\_\_ Bldg/Room: \_\_\_\_\_  
United States Patent and Trademark Office

P.O. Box 1450  
Alexandria, VA 22313-1450  
If Undeliverable Return in Ten Days

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

**AN EQUAL OPPORTUNITY EMPLOYER**



2052 2 17 01/22/10

NIXIE RETURN TO SENDER  
REVERSIBLE AS ADDRESSED  
NOT REVERSIBLE TO FORWARD  
UNRELEASABLE TO SENDER  
RETURN TO SENDER

RECEIVED  
U.S. POSTAL SERVICE  
ACG



# UNITED STATES PATENT AND TRADEMARK OFFICE

OPAP IAP6  
JAN 26 2010  
PATENT & TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

JF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,175	08/01/2003	Kevin T. Klawon		4890

7590  
George R. Royer  
Suite 416  
316 N. Michigan Street  
Toledo, OH 43624

01/15/2010

EXAMINER
----------

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
----------	--------------

2436

MAIL DATE	DELIVERY MODE
01/15/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,175	KLAWON, KEVIN T.	
	Examiner BRANDON S. HOFFMAN	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 September 2009.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1, 2, and 4-9 are pending in this office action.
2. Applicant's arguments, filed September 23, 2009, have been considered but are moot in view of the new ground of rejection.

### ***Claim Objections***

3. Claims 1, 2, and 4-9 are objected to because of the following informalities:
  - Each claim contains many improper punctuation marks:
    - Extra spaces, missing commas, claims ending in semicolons instead of periods, putting periods in the middle of a claim
  - Claim amendments appear to be underlined even though they were previously entered and others appear to no be underlined even though they were not previously entered
  - Make sure the proper status identifier is used for each claim
    - Each claim only gets one identifier. Currently amended, previously presented, canceled, or new
  - Check to ensure the preambles only contain one class
    - Method, system, apparatus, medium, device
    - Should not be "a method for a system," for example

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1, 2, and 4-9, recites the limitation "to the said" and other instances where the language is repeated twice. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candella et al. (U.S. Patent Pub. No. 2005/0021476) in view of Tom (U.S. Patent No. 5,696,907).

Regarding claims 1, 2, and 4-9, Candella et al. teaches a computer based and operated identity authentication system for verifying true identity of an individual and yielding identity verification information providing said identity verification information to **a central processing unit for access by a third party** entity seeking said identity authentication information **as to** said individual, comprising:

- Collecting multiple information aspects relating to the identity of said individual and entering such information aspects into said computer based system (fig. 2A, ref. num 28, 29, 30, 31);
- Assigning rating scores for each of said information aspects of said individual (paragraph 0031);
- Entering said rating scores into said computer based system (fig. 3A, ref. num 60);
- Compiling on said computer based system each of said rating scores for each said information aspects to achieve a total rating score for all of said information aspects for said identity authentication of said individual **pursuant to the said formula of RT as the total rating score for R1+R2+R3 and RN** (fig. 4, ref. num 75);
- Providing said rating score to said **central unit** seeking identity authentication of said individual, for said entity to accept or reject **the identity verification as to** said individual (fig. 4, ref. num 72 and 73 and paragraph 0061).

Candella et al. does not teach wherein R1, R2, R3 and Rn are rating factors for individual assigned traits for said individual, in which RT is the total rating score for the total of R1+R2+R3...RN is the rating score for personal identity authentication, R1 is the rating score for personal identity R2 is the rating for credit history and R3 is the rating score for residential stability and RN can be any characteristic assigned by said system user.

Tom teaches wherein R1, R2, R3 and Rn are rating factors for individual assigned traits for said individual, in which RT is the total rating score for the total of R1+R2+R3...RN is the rating score for personal identity authentication, R1 is the rating score for personal identity R2 is the rating for credit history and R3 is the rating score for residential stability and RN can be any characteristic assigned by said system user (fig. 1, 6, 7, col. 4, lines 34-64 and col. 5, line 45 through col. 6, line 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine  $RT=R1+R2+R3\dots RN$ , as taught by Tom, with the system of Candella et al. It would have been obvious for such modifications because the combined score gives an overall risk that an individual poses for getting credit.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/  
Primary Examiner, Art Unit 2436

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		10/633,175	KLAWON, KEVIN T.	
Examiner		Art Unit		Page 1 of 1
BRANDON S. HOFFMAN		2436		

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,696,907	12-1997	Tom, Mohimm Daniel	705/38
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.